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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/458,899

Applicant(s)

WARD, STEPHANIE

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

## Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1: In the sixth paragraph, the phrase “on a one sided said report” is vague and grammatically incorrect. The phrase “one sided sheet of paper” is also unclear since a sheet of paper inherently has two sides. It is noted that the language deployed in the specification calls for a “one page, one sided printed record” which would appear to be the language that would best describe the printing on one side of one sheet.

Claims 2-11 and 26: Depend from claim 1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz (U.S. Patent 6,421,650) in view of Official Notice.

Claim 1: FIG. 26 illustrates a first template which illustrates emergency contact information (a home address), medical history information (a patient’s name, which is a necessary part of a medical history), and personal information (the patient’s insurance company). A second template (FIG. 29) provides medication information. All of the data illustrated in FIGS. 25-43 are linked together and form a total medical report. Col. 6, line 10

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refers to the presence of a printer in a pharmacy that prints on sheets of paper. A printer is inherently capable of printing data from a computer to which it has a data connection.

Examiner takes Official Notice that : (1) It was known in the art at the time of invention for printers to print on one side of a sheet of paper; and (2) It was known in the art at the time of invention for a printer to print only single page of information.

Given the teaching of the printer by Goetz et al. and the taking of Official Notice, it would have been obvious to one of ordinary skill in the art to have modified Goetz et al. so as to print the data in the medical report on a single side of a sheet of paper, since this is a basic printing format for known desktop printers. It would further have been obvious to print the medical report to only a single sheet, such as when the report contains sufficiently few details to require multiple sheets or to obtain the advantage of reducing paperwork in the pharmacy.

Claim 2: The first template (FIG. 26) provides for the entry of insurance data, in particular, the insurance policy number defined by the patient's insurance company.

Claim 3: The first template (FIG. 26) provides for entry of the insurance policy data, which also reads as pharmacy information, since an insurance policy can and will be used by a pharmacy.

Claim 4: The second template (FIG.29) includes a time section (the fifth line down) in which the timing of the medication is provided. Each of the times listed in the fifth line (8AM, 12 noon and 6PM) represents a separate column of data.

Claim 5: FIG. 30 provides a graphic illustration in the form of a text description (lines 1-3 of FIG. 30) which describe the appearance of each medication taken. Each graphic illustration

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is associated with each medication. For example, the medication Canderil shown in FIG. 29 is linked to the graphical description of Canderil in FIG. 30.

Claim 6: Any of the data shown in medical information screen of FIG. 29 reads as prescribing physician information since all of the information is provided from a prescribing physician.

Claim 7: FIG. 44 illustrates a database of medication information (206) with associated attributes, such as interactions and severities which can be reported to the patient.

Claim 8: As seen in step (214) of FIG. 44, an interaction report is generated if a drug interaction problem is detected.

Claim 9: The display screen of FIG. 40 represents a pillbox map. The information is linked to the medication information of FIG. 29, indicates a medication that needs to be taken and associates the medication with a particular time of day.

Claim 10: Any of the data displayed in FIG. 40 reads as a generated label, such as the indication of the time, or the icons for acceptance or delay of the instructions provided.

Claim 11: The display of FIG. 30 is a medication planner function, since it allows planning or replanning of the dosage scheduling. Each row includes medication information and specific times at which to take the medication.

Claim 26: As set forth with respect to claim 5 above, FIG. 30 of Goetz et al. provides a graphic illustration in the form of a text description of the size and color of a medication pill, but not a symbol having the size and shape of the pill. However, the skilled artisan would have readily recognized that a graphical user interface having a text description describing the size and

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color of an object could have been supplemented by a graphical picture of that same object. Alternatively, the picture could have been a substitute for the text description.

It would have been obvious to one of ordinary skill in the art to modify Goetz et al. to include pictures of medications, as a supplement to or substitute for a textual description of the medication pills, as a choice of design for a graphical user interface.

Remarks

This office action includes new grounds of rejection, following the submission of the RCE filing of 12/16/04 and the accompanying amendments to claim 1. This office action is made non-final.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (571) 272-4084.



Sam Rimell  
Primary Examiner  
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